

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 49

HOUSE BILL 2234

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 333, SECTION 3; REPEALING SECTION 15-241, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 318, SECTION 4; AMENDING SECTION 15-241, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; REPEALING SECTION 15-241, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 247, SECTION 1; BLENDING MULTIPLE ENACTMENTS; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, as amended by
3 Laws 2010, chapter 333, section 3, is amended to read:

4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund;
6 classification label for school districts and charter
7 school operators

8 A. The department of education shall compile an annual achievement
9 profile for each public school.

10 B. Each school shall submit to the department any data that is
11 required and requested and that is necessary to compile the achievement
12 profile. A school that fails to submit the information that is necessary is
13 not eligible to receive monies from the classroom site fund established by
14 section 15-977.

15 C. The department shall establish a baseline achievement profile for
16 each school. The baseline achievement profile shall be used to determine a
17 standard measurement of acceptable academic progress for each school and a
18 school classification pursuant to subsection H of this section. Any
19 disclosure of educational records compiled by the department of education
20 pursuant to this section shall comply with the family educational and privacy
21 rights act of 1974 (20 United States Code section 1232g).

22 D. The achievement profile for schools that offer instruction in
23 kindergarten programs and grades one through eight, or any combination of
24 those programs or grades, shall include the following school academic
25 performance indicators:

26 1. The Arizona measure of academic progress. The department shall
27 compute the extent of academic progress made by the pupils in each school
28 during the course of each year.

29 2. The Arizona instrument to measure standards test. The department
30 shall compute the percentage of pupils who meet or exceed the standard on the
31 Arizona instrument to measure standards test, as prescribed by the state
32 board of education. The superintendent of public instruction and the
33 department may calculate academic gain on the Arizona instrument to measure
34 standards test according to each of the school classifications prescribed in
35 subsection G of this section on a statewide basis, for each school district
36 in this state and for each school by determining the average scale scores for
37 students in the current academic year as compared to the average scale scores
38 for the previous academic year for the same students.

39 3. The results of English language learners tests administered
40 pursuant to section 15-756, subsection B, section 15-756.05 and section
41 15-756.06.

42 E. The achievement profile for schools that offer instruction in
43 grades nine through twelve, or any combination of those grades, shall include
44 the following school academic performance indicators:

1 1. The Arizona instrument to measure standards test. The department
2 shall compute the percentage of pupils pursuant to subsection G of this
3 section who meet or exceed the standard on the Arizona instrument to measure
4 standards test, as prescribed by the state board of education. The
5 superintendent of public instruction and the department may calculate
6 academic gain on the Arizona instrument to measure standards test according
7 to each of the school classifications prescribed in subsection G of this
8 section on a statewide basis, for each school district in this state and for
9 each school by determining the average scale scores for students in the
10 current academic year as compared to the average scale scores for the
11 previous academic year for the same students.

12 2. The annual dropout rate.

13 3. The annual graduation rate.

14 4. The results of English language learners tests administered
15 pursuant to section 15-756, subsection B, section 15-756.05 and section
16 15-756.06.

17 F. Schools that offer instruction in all or a combination of the
18 grades specified in subsections D and E of this section shall include a
19 single achievement profile for that school that includes the school academic
20 performance indicators specified in subsections D and E of this section.

21 G. Subject to final adoption by the state board of education, the
22 department shall determine the criteria for each school classification using
23 a research based methodology. The methodology shall include the performance
24 of pupils at all achievement levels, account for pupil mobility, account for
25 the distribution of pupil achievement at each school and include longitudinal
26 indicators of academic performance. For the purposes of this subsection,
27 "research based methodology" means the systematic and objective application
28 of statistical and quantitative research principles to determine a standard
29 measurement of acceptable academic progress for each school.

30 H. Except as provided in subsection EE of this section, the
31 achievement profile shall be used to determine a school classification that
32 designates each school as one of the following:

33 1. An excelling school.

34 2. A highly performing school.

35 3. A performing school.

36 4. An underperforming school.

37 5. A school failing to meet academic standards.

38 I. The classification for each school and the criteria used to
39 determine classification pursuant to subsection G of this section shall be
40 included on the school report card prescribed in section 15-746.

41 J. Subject to final adoption by the state board of education, the
42 department of education shall develop a parallel achievement profile for
43 accommodation schools, alternative schools as defined by the state board of
44 education and extremely small schools as defined by the state board of
45 education for the purposes of this section.

1 K. If a school is designated as an underperforming school, within
2 ninety days after receiving notice of the designation, the governing board
3 shall develop an improvement plan for the school, submit a copy of the plan
4 to the superintendent of public instruction and supervise the implementation
5 of the plan. The plan shall include necessary components as identified by
6 the state board of education. Within thirty days after submitting the
7 improvement plan to the superintendent of public instruction, the governing
8 board shall hold a special public meeting in each school that has been
9 designated as an underperforming school and shall present the respective
10 improvement plans that have been developed for each school. The school
11 district governing board, within thirty days of receiving notice of the
12 designation, shall provide written notification of the classification to each
13 residence within the attendance area of the school. The notice shall explain
14 the improvement plan process and provide information regarding the public
15 meeting required by this subsection.

16 L. A school that has not submitted an improvement plan pursuant to
17 subsection K of this section is not eligible to receive monies from the
18 classroom site fund established by section 15-977 for every day that a plan
19 has not been received by the superintendent of public instruction within the
20 time specified in subsection K of this section plus an additional ninety
21 days. The state board of education shall require the superintendent of the
22 school district to testify before the board and explain the reasons that an
23 improvement plan for that school has not been submitted.

24 M. If a charter school is designated as an underperforming school,
25 within thirty days the school shall notify the parents of the students
26 attending the school of the classification. The notice shall explain the
27 improvement plan process and provide information regarding the public meeting
28 required by this subsection. Within ninety days of receiving the
29 classification, the charter holder shall present an improvement plan to the
30 charter sponsor at a public meeting and submit a copy of the plan to the
31 superintendent of public instruction. The improvement plan shall include
32 necessary components as identified by the state board of education. For
33 every day that an improvement plan is not received by the superintendent of
34 public instruction, the school is not eligible to receive monies from the
35 classroom site fund established by section 15-977 for every day that a plan
36 has not been received by the superintendent of public instruction within the
37 time specified in subsection K of this section plus an additional ninety
38 days. The charter holder shall appear before the sponsoring board and
39 explain why the improvement plan has not been submitted.

40 N. The department of education shall establish an appeals process, to
41 be approved by the state board of education, for a school to appeal data used
42 to determine the achievement profile of the school. The criteria established
43 shall be based on mitigating factors and may include a visit to the school
44 site by the department of education.

1 O. If a school remains classified as an underperforming school for a
2 third consecutive year, the department of education shall visit the school
3 site to confirm the classification data and to review the implementation of
4 the school's improvement plan. The school shall be classified as failing to
5 meet academic standards unless an alternate classification is made after an
6 appeal pursuant to subsection N of this section.

7 P. The school district governing board, within thirty days of
8 receiving notice of the school failing to meet academic standards
9 classification, shall provide written notification of the classification to
10 each residence in the attendance area of the school. The notice shall
11 explain the improvement plan process and provide information regarding the
12 public meeting required by subsection S of this section.

13 Q. The superintendent of public instruction, based on need; shall
14 assign a solutions team to an underperforming school, a school failing to
15 meet academic standards or any other school pursuant to a mutual agreement
16 between the department of education and the school comprised of master
17 teachers, fiscal analysts and curriculum assessment experts who are certified
18 by the state board of education as Arizona academic standards technicians.
19 The department of education may hire or contract with administrators,
20 principals and teachers who have demonstrated experience with the
21 characteristics and situations in an underperforming school or a school
22 failing to meet academic standards and may use these personnel as part of the
23 solutions team. The department of education shall work with staff at the
24 school to assist in curricula alignment and shall instruct teachers on how to
25 increase pupil academic progress, considering the school's achievement
26 profile. The solutions team shall consider the existing improvement plan to
27 assess the need for changes to curriculum, professional development and
28 resource allocation and shall present a statement of its findings to the
29 school administrator and district superintendent. Within forty-five days
30 after the presentation of the solutions team's statement of findings, the
31 school district governing board, in cooperation with each school within the
32 school district that is designated an underperforming school and its assigned
33 solutions team representative, shall develop and submit to the department of
34 education an action plan that details the manner in which the school district
35 will assist the school as the school incorporates the findings of the
36 solutions team into the improvement plan. The department of education shall
37 review the action plan and shall either accept the action plan or return the
38 action plan to the school district for modification. If the school district
39 does not submit an approved action plan within forty-five days, the state
40 board of education may direct the superintendent of public instruction to
41 withhold up to ten per cent of state monies that the school district would
42 otherwise be entitled to receive each month until the plan is submitted to
43 the department of education, at which time those monies shall be returned to
44 the school district.

1 R. The parent or the guardian of the pupil may apply to the department
2 of education, in a manner determined by the department of education, for a
3 certificate of supplemental instruction from the failing schools tutoring
4 fund established by this section. Pupils attending a school designated as an
5 underperforming school or a school failing to meet academic standards or a
6 pupil who has failed to pass one or more portions of the Arizona instrument
7 to measure standards test in grades eight through twelve in order to graduate
8 from high school may select an alternative tutoring program in academic
9 standards from a provider that is certified by the state board of education.
10 To qualify, the provider must state in writing a level of academic
11 improvement for the pupil that includes a timeline for improvement that is
12 agreed to by the parent or guardian of the pupil. The state board of
13 education shall annually review academic performance levels for providers
14 certified pursuant to this subsection and may remove a provider at a public
15 hearing from an approved list of providers if that provider fails to meet its
16 stated level of academic improvement. The state board of education shall
17 determine the application guidelines and the maximum value for each
18 certificate of supplemental instruction. The state board of education shall
19 annually complete a market survey in order to determine the maximum value for
20 each certificate of supplemental instruction. Nothing in this subsection
21 shall be construed to require the state to provide additional monies beyond
22 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

23 S. Within sixty days of receiving notification of designation as a
24 school failing to meet academic standards, the school district governing
25 board shall evaluate needed changes to the existing improvement plan for the
26 school, consider recommendations from the solutions team, submit a copy of
27 the plan to the superintendent of public instruction and supervise the
28 implementation of the plan. Within thirty days after submitting the
29 improvement plan to the superintendent of public instruction, the governing
30 board shall hold a public meeting in each school that has been designated as
31 a school failing to meet academic standards and shall present the respective
32 improvement plans that have been developed for each school.

33 T. A school that has not submitted an improvement plan pursuant to
34 subsection S of this section is not eligible to receive monies from the
35 classroom site fund established by section 15-977 for every day that a plan
36 has not been received by the superintendent of public instruction within the
37 time specified in subsection S of this section plus an additional ninety
38 days. The state board of education shall require the superintendent of the
39 school district to testify before the board and explain the reasons that an
40 improvement plan for that school has not been submitted. .

41 U. If a charter school is designated as a school failing to meet
42 academic standards, the department of education shall immediately notify the
43 charter school's sponsor. The charter school's sponsor shall either take
44 action to restore the charter school to acceptable performance or revoke the
45 charter school's charter. Within thirty days the school shall notify the

1 parents of the students attending the school of the classification and of any
2 pending public meetings to review the issue.

3 V. A school that has been designated as a school failing to meet
4 academic standards shall be evaluated by the department of education to
5 determine if the school failed to properly implement its school improvement
6 plan, align the curriculum with academic standards, provide teacher training,
7 prioritize the budget or implement other proven strategies to improve
8 academic performance. After visiting the school site pursuant to subsection
9 0 of this section, the department of education shall submit to the state
10 board of education a recommendation to proceed pursuant to subsections Q, R
11 and S of this section or that the school be subject to a public hearing to
12 determine if the school failed to properly implement its improvement plan and
13 the reasons for the department's recommendation.

14 W. If the department does recommend a public hearing, the state board
15 of education shall meet and may provide by a majority vote at the public
16 hearing for the continued operation of the school as allowed by this
17 subsection. The state board of education shall determine whether
18 governmental, nonprofit and private organizations may submit applications to
19 the state board to fully or partially manage the school. The state board's
20 determination shall include:

21 1. If and to what extent the local governing board may participate in
22 the operation of the school including personnel matters.

23 2. If and to what extent the state board of education shall
24 participate in the operation of the school.

25 3. Resource allocation pursuant to subsection Y of this section.

26 4. Provisions for the development and submittal of a school
27 improvement plan to be presented in a public meeting at the school.

28 5. A suggested time frame for the alternative operation of the school.

29 X. The state board shall periodically review the status of a school
30 that is operated by an organization other than the school district governing
31 board to determine whether the operation of the school should be returned to
32 the school district governing board. Before the state board makes a
33 determination, the state board or its designee shall meet with the school
34 district governing board or its designee to determine the time frame,
35 operational considerations and the appropriate continuation of existing
36 improvements that are necessary to assure a smooth transition of authority
37 from the other organization back to the school district governing board.

38 Y. If an alternative operation plan is provided pursuant to subsection
39 W of this section, the state board of education shall pay for the operation
40 of the school and shall adjust the school district's ~~student count pursuant~~
41 ~~to section 15-902~~, soft capital allocation pursuant to section 15-962,
42 capital outlay revenue limit pursuant to section 15-961, base support level
43 pursuant to section 15-943, monies distributed from the classroom site fund
44 established by section 15-977 and transportation support level pursuant to
45 section 15-945 to accurately reflect any reduction in district services that

1 are no longer provided to that school by the district. The state board of
2 education may modify the school district's revenue control limit, the
3 district support level and the general budget limit calculated pursuant to
4 section 15-947 by an amount that corresponds to this reduction in services.
5 The state board of education shall retain the portion of state aid that would
6 otherwise be due the school district for the school and shall distribute that
7 portion of state aid directly to the organization that contracts with the
8 state board of education to operate the school.

9 Z. If the state board of education determines that a charter school
10 failed to properly implement its improvement plan, the sponsor of the charter
11 school shall revoke the charter school's charter.

12 AA. If there are more than two schools in a district and more than
13 one-half, or in any case more than five, of the schools in the district are
14 designated as schools failing to meet academic standards for more than two
15 consecutive years, in the next election of members of the governing board the
16 election ballot shall contain the following statement immediately above the
17 listing of governing board candidates:

18 Within the last five years, (number of schools) schools in the
19 _____ school district have been designated as "schools
20 failing to meet academic standards" by the superintendent of
21 public instruction.

22 BB. At least twice each year the department of education shall publish
23 in a newspaper of general circulation in each county of this state a list of
24 schools that are designated as schools failing to meet academic standards.

25 CC. The failing schools tutoring fund is established consisting of
26 monies collected pursuant to section 42-5029, subsection E as designated for
27 this purpose. The department of education shall administer the fund. The
28 department of education may use monies from the fund to purchase materials
29 designed to assist students to meet the Arizona academic standards and to
30 achieve a passing score on the Arizona instrument to measure standards test
31 in order to graduate from high school.

32 DD. The department of education may develop a classification label for
33 school districts and charter school operators. If the department of
34 education develops a classification label for school districts and charter
35 school operators, the classification label may be developed from the
36 following components:

- 37 1. Measures of academic progress.
- 38 2. Pupil assessment data.
- 39 3. The attendance rates and graduation rates of pupils who are
40 educated in that charter school operator's charter schools or in that school
41 district's schools.
- 42 4. The percentage of the parents of pupils enrolled in that charter
43 school operator's charter schools or in that school district's schools that
44 categorizes the quality of their child's education as excellent on a parental
45 rating of school quality.

1 EE. The state board of education shall determine appropriate
2 modifications to the criteria used to calculate achievement profiles for
3 schools that participate in the board examination system prescribed in
4 chapter 7, article 6 of this title.

5 Sec. 2. Repeal

6 Section 15-241, Arizona Revised Statutes, as amended by Laws 2010,
7 chapter 318, section 4, is repealed.

8 Sec. 3. Section 15-241, Arizona Revised Statutes, as amended by
9 section 1 of this act, is amended to read:

10 15-241. School and school district accountability; failing
11 schools tutoring fund; classification label for
12 school districts and charter school operators

13 A. The department of education shall compile an annual achievement
14 profile for each public school AND SCHOOL DISTRICT.

15 B. Each school AND SCHOOL DISTRICT shall submit to the department any
16 data that is required and requested and that is necessary to compile the
17 achievement profile. A school OR SCHOOL DISTRICT that fails to submit the
18 information that is necessary is not eligible to receive monies from the
19 classroom site fund established by section 15-977.

20 C. The department shall establish a baseline achievement profile for
21 each school AND SCHOOL DISTRICT. The baseline achievement profile shall be
22 used to determine a standard measurement of acceptable academic progress for
23 each school AND SCHOOL DISTRICT and a school AND SCHOOL DISTRICT
24 classification pursuant to subsection H of this section. Any disclosure of
25 educational records compiled by the department of education pursuant to this
26 section shall comply with the family educational and privacy rights act of
27 1974 (20 United States Code section 1232g).

28 D. The achievement profile for schools AND SCHOOL DISTRICTS that offer
29 instruction in kindergarten programs and grades one through eight, or any
30 combination of those programs or grades, shall include the following school
31 academic performance indicators:

32 1. The Arizona measure of academic progress. The department shall
33 compute the extent of academic progress made by the pupils in each school AND
34 SCHOOL DISTRICT during the course of each year.

35 2. The Arizona instrument to measure standards test. The department
36 shall compute the percentage of pupils who meet or exceed the standard on the
37 Arizona instrument to measure standards test, as prescribed by the state
38 board of education. The superintendent of public instruction and the
39 department may calculate academic gain on the Arizona instrument to measure
40 standards test according to each of the school classifications prescribed in
41 subsection G of this section on a statewide basis, for each school district
42 in this state and for each school by determining the average scale scores for
43 students in the current academic year as compared to the average scale scores
44 for the previous academic year for the same students.

1 3. The results of English language learners tests administered
2 pursuant to section 15-756, subsection B, section 15-756.05 and section
3 15-756.06.

4 E. The achievement profile for schools AND SCHOOL DISTRICTS that offer
5 instruction in grades nine through twelve, or any combination of those
6 grades, shall include the following school academic performance indicators:

7 1. THE ARIZONA MEASURE OF ACADEMIC PROGRESS. THE DEPARTMENT SHALL
8 COMPUTE THE EXTENT OF ACADEMIC PROGRESS MADE BY THE PUPILS AT EACH SCHOOL.

9 ~~1.~~ 2. The Arizona instrument to measure standards test. The
10 department shall compute the percentage of pupils pursuant to subsection G of
11 this section who meet or exceed the standard on the Arizona instrument to
12 measure standards test, as prescribed by the state board of education. The
13 superintendent of public instruction and the department may calculate
14 academic gain on the Arizona instrument to measure standards test according
15 to each of the school classifications prescribed in subsection G of this
16 section on a statewide basis, for each school district in this state and for
17 each school by determining the average scale scores for students in the
18 current academic year as compared to the average scale scores for the
19 previous academic year for the same students.

20 ~~2.~~ 3. The annual dropout rate.

21 ~~3.~~ 4. The annual graduation rate.

22 ~~4.~~ 5. The results of English language learners tests administered
23 pursuant to section 15-756, subsection B, section 15-756.05 and section
24 15-756.06.

25 F. Schools AND SCHOOL DISTRICTS that offer instruction in all or a
26 combination of the grades specified in subsections D and E of this section
27 shall include a single achievement profile for that school AND SCHOOL
28 DISTRICT that includes the school academic performance indicators specified
29 in subsections D and E of this section.

30 G. Subject to final adoption by the state board of education, the
31 department shall determine the criteria for each school AND SCHOOL DISTRICT
32 classification using a research based methodology. The methodology shall
33 include the performance of pupils at all achievement levels, account for
34 pupil mobility, account for the distribution of pupil achievement at each
35 school AND SCHOOL DISTRICT and include longitudinal indicators of academic
36 performance. FIFTY PER CENT OF THE SCHOOL AND SCHOOL DISTRICT CLASSIFICATION
37 DETERMINATION SHALL CONSIST OF ACADEMIC PERFORMANCE MEASUREMENTS. FIFTY PER
38 CENT OF THE ACADEMIC PERFORMANCE MEASUREMENT SHALL CONSIST OF A MEASUREMENT
39 OF ACADEMIC GAIN FOR ALL PUPILS ENROLLED AT THE SCHOOL OR SCHOOL DISTRICT AND
40 FIFTY PER CENT OF THE ACADEMIC PERFORMANCE MEASUREMENTS SHALL CONSIST OF A
41 MEASUREMENT OF THE TWENTY-FIVE PER CENT OF PUPILS WITH THE LOWEST ACADEMIC
42 PERFORMANCE MEASUREMENT ENROLLED AT THE SCHOOL OR SCHOOL DISTRICT. For the
43 purposes of this subsection, "research based methodology" means the
44 systematic and objective application of statistical and quantitative research

1 principles to determine a standard measurement of acceptable academic
2 progress for each school AND SCHOOL DISTRICT.

3 H. Except as provided in subsection EE of this section, the
4 achievement profile shall be used to determine a school AND SCHOOL DISTRICT
5 classification that ~~designates each school as one of the following~~ USES A
6 LETTER GRADE SYSTEM AS FOLLOWS:

- 7 1. ~~An excelling school.~~
- 8 2. ~~A highly performing school.~~
- 9 3. ~~A performing school.~~
- 10 4. ~~An underperforming school.~~
- 11 5. ~~A school failing to meet academic standards.~~

12 1. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF A SHALL
13 DEMONSTRATE AN EXCELLENT LEVEL OF PERFORMANCE.

14 2. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF B SHALL
15 DEMONSTRATE AN ABOVE AVERAGE LEVEL OF PERFORMANCE.

16 3. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF C SHALL
17 DEMONSTRATE AN AVERAGE LEVEL OF PERFORMANCE.

18 4. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF D SHALL
19 DEMONSTRATE A BELOW AVERAGE LEVEL OF PERFORMANCE.

20 5. A SCHOOL OR SCHOOL DISTRICT ASSIGNED A LETTER GRADE OF F SHALL
21 DEMONSTRATE A FAILING LEVEL OF PERFORMANCE. THE STATE BOARD OF EDUCATION MAY
22 ALSO ASSIGN A SCHOOL A LETTER GRADE OF F IF THE STATE BOARD OF EDUCATION
23 DETERMINES THAT THE SCHOOL IS AMONG THE "PERSISTENTLY LOWEST-ACHIEVING
24 SCHOOLS" IN THE STATE UNDER THE FEDERAL SCHOOL ACCOUNTABILITY REQUIREMENTS
25 PURSUANT TO SECTION 1003(g) OF THE ELEMENTARY AND SECONDARY EDUCATION ACT (20
26 UNITED STATES CODE SECTION 6303).

27 I. The classification for each school and the criteria used to
28 determine classification pursuant to subsection G of this section shall be
29 included on the school report card prescribed in section 15-746.

30 J. Subject to final adoption by the state board of education, the
31 department of education shall develop a parallel achievement profile for
32 accommodation schools, alternative schools as defined by the state board of
33 education and extremely small schools as defined by the state board of
34 education for the purposes of this section.

35 K. If a school is ~~designated as an underperforming school~~ ASSIGNED A
36 LETTER GRADE OF D, within ninety days after receiving notice of the
37 designation, the governing board shall develop an improvement plan for the
38 school, submit a copy of the plan to the superintendent of public instruction
39 AND THE COUNTY EDUCATIONAL SERVICE AGENCY and supervise the implementation of
40 the plan. The plan shall include necessary components as identified by the
41 state board of education. Within thirty days after submitting the
42 improvement plan to the superintendent of public instruction AND THE COUNTY
43 EDUCATIONAL SERVICE AGENCY, the governing board shall hold a special public
44 meeting in each school that has been ~~designated as an underperforming school~~
45 ASSIGNED A LETTER GRADE OF D and shall present the respective improvement

1 plans that have been developed for each school. The school district
2 governing board, within thirty days of receiving notice of the designation,
3 shall provide written notification of the classification to each residence
4 within the attendance area of the school. The notice shall explain the
5 improvement plan process and provide information regarding the public meeting
6 required by this subsection.

7 L. A school that has not submitted an improvement plan pursuant to
8 subsection K of this section is not eligible to receive monies from the
9 classroom site fund established by section 15-977 for every day that a plan
10 has not been received by the superintendent of public instruction within the
11 time specified in subsection K of this section plus an additional ninety
12 days. The state board of education shall require the superintendent of the
13 school district to testify before the board and explain the reasons that an
14 improvement plan for that school has not been submitted.

15 M. If a charter school is ~~designated as an underperforming school~~
16 ASSIGNED A LETTER GRADE OF D, within thirty days the school shall notify the
17 parents of the students attending the school of the classification. The
18 notice shall explain the improvement plan process and provide information
19 regarding the public meeting required by this subsection. Within ninety days
20 of receiving the classification, the charter holder shall present an
21 improvement plan to the charter sponsor at a public meeting and submit a copy
22 of the plan to the superintendent of public instruction. The improvement
23 plan shall include necessary components as identified by the state board of
24 education. For every day that an improvement plan is not received by the
25 superintendent of public instruction AND THE COUNTY EDUCATIONAL SERVICE
26 AGENCY, the school is not eligible to receive monies from the classroom site
27 fund established by section 15-977 for every day that a plan has not been
28 received by the superintendent of public instruction within the time
29 specified in subsection K of this section plus an additional ninety days.
30 The charter holder shall appear before the sponsoring board and explain why
31 the improvement plan has not been submitted.

32 N. The department of education shall establish an appeals process, to
33 be approved by the state board of education, for a school to appeal data used
34 to determine the achievement profile of the school. The criteria established
35 shall be based on mitigating factors and may include a visit to the school
36 site by the department of education.

37 O. If a school ~~remains classified as an underperforming school~~ IS
38 ASSIGNED A LETTER GRADE OF D for a third consecutive year, the department of
39 education shall visit the school site to confirm the classification data and
40 to review the implementation of the school's improvement plan. The school
41 shall be ~~classified as failing to meet academic standards~~ ASSIGNED A LETTER
42 GRADE OF F unless an alternate ~~classification~~ LETTER GRADE is made ASSIGNED
43 after an appeal pursuant to subsection N of this section.

44 P. The school district governing board, within thirty days of
45 receiving notice of the school ~~failing to meet academic standards~~

1 classification BEING ASSIGNED A LETTER GRADE OF F, shall provide written
2 notification of the classification to each residence in the attendance area
3 of the school. The notice shall explain the improvement plan process and
4 provide information regarding the public meeting required by subsection S of
5 this section.

6 Q. The superintendent of public instruction IN COLLABORATION WITH THE
7 COUNTY EDUCATIONAL SERVICE AGENCY, based on need, shall assign a solutions
8 team to ~~an underperforming school~~ A SCHOOL ASSIGNED A LETTER GRADE OF D, a
9 school ~~failing to meet academic standards~~ ASSIGNED A LETTER GRADE OF F or any
10 other school pursuant to a mutual agreement between the department of
11 education and the school comprised of master teachers, fiscal analysts and
12 curriculum assessment experts who are certified by the state board of
13 education as Arizona academic standards technicians. The department of
14 education OR THE COUNTY EDUCATIONAL SERVICE AGENCY may hire or contract with
15 administrators, principals and teachers who have demonstrated experience with
16 the characteristics and situations in ~~an underperforming school or a school~~
17 ~~failing to meet academic standards~~ A SCHOOL ASSIGNED A LETTER GRADE OF D OR F
18 and may use these personnel as part of the solutions team. The department of
19 education shall work with staff at the school to assist in curricula
20 alignment and shall instruct teachers on how to increase pupil academic
21 progress, considering the school's achievement profile. The solutions team
22 shall consider the existing improvement plan to assess the need for changes
23 to curriculum, professional development and resource allocation and shall
24 present a statement of its findings to the school administrator and district
25 superintendent. Within forty-five days after the presentation of the
26 solutions team's statement of findings, the school district governing board,
27 in cooperation with each school within the school district that is ~~designated~~
28 ~~an underperforming school~~ ASSIGNED A LETTER GRADE OF D and its assigned
29 solutions team representative, shall develop and submit to the department of
30 education AND THE COUNTY EDUCATIONAL SERVICE AGENCY an action plan that
31 details the manner in which the school district will assist the school as the
32 school incorporates the findings of the solutions team into the improvement
33 plan. The department of education shall review the action plan and shall
34 either accept the action plan or return the action plan to the school
35 district for modification. If the school district does not submit an
36 approved action plan within forty-five days, the state board of education may
37 direct the superintendent of public instruction to withhold up to ten per
38 cent of state monies that the school district would otherwise be entitled to
39 receive each month until the plan is submitted to the department of education
40 AND THE COUNTY EDUCATIONAL SERVICE AGENCY, at which time those monies shall
41 be returned to the school district.

42 R. The parent or the guardian of the pupil may apply to the department
43 of education, in a manner determined by the department of education, for a
44 certificate of supplemental instruction from the failing schools tutoring
45 fund established by this section. Pupils attending a school ~~designated as an~~

1 ~~underperforming school or a school failing to meet academic standards~~
 2 ASSIGNED A LETTER GRADE OF D OR F or a pupil who has failed to pass one or
 3 more portions of the Arizona instrument to measure standards test in grades
 4 eight through twelve in order to graduate from high school may select an
 5 alternative tutoring program in academic standards from a provider that is
 6 certified by the state board of education. To qualify, the provider must
 7 state in writing a level of academic improvement for the pupil that includes
 8 a timeline for improvement that is agreed to by the parent or guardian of the
 9 pupil. The state board of education shall annually review academic
 10 performance levels for providers certified pursuant to this subsection and
 11 may remove a provider at a public hearing from an approved list of providers
 12 if that provider fails to meet its stated level of academic improvement. The
 13 state board of education shall determine the application guidelines and the
 14 maximum value for each certificate of supplemental instruction. The state
 15 board of education shall annually complete a market survey in order to
 16 determine the maximum value for each certificate of supplemental instruction.
 17 Nothing in this subsection shall be construed to require the state to provide
 18 additional monies beyond the monies provided pursuant to section 42-5029,
 19 subsection E, paragraph 7.

20 S. Within sixty days of receiving notification of ~~designation as a~~
 21 ~~school failing to meet academic standards~~ BEING ASSIGNED A LETTER GRADE OF F,
 22 the school district governing board shall evaluate needed changes to the
 23 existing improvement plan for the school, consider recommendations from the
 24 solutions team, submit a copy of the plan to the superintendent of public
 25 instruction AND THE COUNTY EDUCATIONAL SERVICE AGENCY and supervise the
 26 implementation of the plan. Within thirty days after submitting the
 27 improvement plan to the superintendent of public instruction, the governing
 28 board shall hold a public meeting in each school that has been ~~designated as~~
 29 ~~a school failing to meet academic standards~~ ASSIGNED A LETTER GRADE OF F and
 30 shall present the respective improvement plans that have been developed for
 31 each school.

32 T. A school that has not submitted an improvement plan pursuant to
 33 subsection S of this section is not eligible to receive monies from the
 34 classroom site fund established by section 15-977 for every day that a plan
 35 has not been received by the superintendent of public instruction within the
 36 time specified in subsection S of this section plus an additional ninety
 37 days. The state board of education shall require the superintendent of the
 38 school district to testify before the board and explain the reasons that an
 39 improvement plan for that school has not been submitted.

40 U. If a charter school is ~~designated as a school failing to meet~~
 41 ~~academic standards~~ ASSIGNED A LETTER GRADE OF F, the department of education
 42 shall immediately notify the charter school's sponsor. The charter school's
 43 sponsor shall either take action to restore the charter school to acceptable
 44 performance or revoke the charter school's charter. Within thirty days the

1 school shall notify the parents of the students attending the school of the
2 classification and of any pending public meetings to review the issue.

3 V. A school that has been ~~designated as a school failing to meet~~
4 ~~academic standards~~ ASSIGNED A LETTER GRADE OF F shall be evaluated by the
5 department of education to determine if the school failed to properly
6 implement its school improvement plan, align the curriculum with academic
7 standards, provide teacher training, prioritize the budget or implement other
8 proven strategies to improve academic performance. After visiting the school
9 site pursuant to subsection O of this section, the department of education
10 shall submit to the state board of education a recommendation to proceed
11 pursuant to subsections Q, R and S of this section or that the school be
12 subject to a public hearing to determine if the school failed to properly
13 implement its improvement plan and the reasons for the department's
14 recommendation.

15 W. If the department does recommend a public hearing, the state board
16 of education shall meet and may provide by a majority vote at the public
17 hearing for the continued operation of the school as allowed by this
18 subsection. The state board of education shall determine whether
19 governmental, nonprofit and private organizations may submit applications to
20 the state board to fully or partially manage the school. The state board's
21 determination shall include:

22 1. If and to what extent the local governing board may participate in
23 the operation of the school including personnel matters.

24 2. If and to what extent the state board of education shall
25 participate in the operation of the school.

26 3. Resource allocation pursuant to subsection Y of this section.

27 4. Provisions for the development and submittal of a school
28 improvement plan to be presented in a public meeting at the school.

29 5. A suggested time frame for the alternative operation of the school.

30 X. The state board shall periodically review the status of a school
31 that is operated by an organization other than the school district governing
32 board to determine whether the operation of the school should be returned to
33 the school district governing board. Before the state board makes a
34 determination, the state board or its designee shall meet with the school
35 district governing board or its designee to determine the time frame,
36 operational considerations and the appropriate continuation of existing
37 improvements that are necessary to assure a smooth transition of authority
38 from the other organization back to the school district governing board.

39 Y. If an alternative operation plan is provided pursuant to subsection
40 W of this section, the state board of education shall pay for the operation
41 of the school and shall adjust the school district's soft capital allocation
42 pursuant to section 15-962, capital outlay revenue limit pursuant to section
43 15-961, base support level pursuant to section 15-943, monies distributed
44 from the classroom site fund established by section 15-977 and transportation
45 support level pursuant to section 15-945 to accurately reflect any reduction

1 in district services that are no longer provided to that school by the
2 district. The state board of education may modify the school district's
3 revenue control limit, the district support level and the general budget
4 limit calculated pursuant to section 15-947 by an amount that corresponds to
5 this reduction in services. The state board of education shall retain the
6 portion of state aid that would otherwise be due the school district for the
7 school and shall distribute that portion of state aid directly to the
8 organization that contracts with the state board of education to operate the
9 school.

10 2. If the state board of education determines that a charter school
11 failed to properly implement its improvement plan, the sponsor of the charter
12 school shall revoke the charter school's charter.

13 AA. If there are more than two schools in a district and more than
14 one-half, or in any case more than five, of the schools in the district are
15 ~~designated as schools failing to meet academic standards~~ ASSIGNED A LETTER
16 GRADE OF F for more than two consecutive years, in the next election of
17 members of the governing board the election ballot shall contain the
18 following statement immediately above the listing of governing board
19 candidates:

20 Within the last five years, (number of schools) schools in the
21 _____ school district have been designated as "schools
22 failing to meet academic standards" by the superintendent of
23 public instruction.

24 BB. At least twice each year the department of education shall publish
25 in a newspaper of general circulation in each county of this state a list of
26 schools that are ~~designated as schools failing to meet academic standards~~
27 ASSIGNED A LETTER GRADE OF F.

28 CC. The failing schools tutoring fund is established consisting of
29 monies collected pursuant to section 42-5029, subsection E as designated for
30 this purpose. The department of education shall administer the fund. The
31 department of education may use monies from the fund to purchase materials
32 designed to assist students to meet the Arizona academic standards and to
33 achieve a passing score on the Arizona instrument to measure standards test
34 in order to graduate from high school.

35 DD. The department of education may develop a classification label for
36 school districts and charter school operators. If the department of
37 education develops a classification label for school districts and charter
38 school operators, the classification label may be developed from the
39 following components:

- 40 1. Measures of academic progress.
- 41 2. Pupil assessment data.
- 42 3. The attendance rates and graduation rates of pupils who are
- 43 educated in that charter school operator's charter schools or in that school
- 44 district's schools.

1 4. The percentage of the parents of pupils enrolled in that charter
2 school operator's charter schools or in that school district's schools that
3 categorizes the quality of their child's education as excellent on a parental
4 rating of school quality.

5 EE. The state board of education shall determine appropriate
6 modifications to the criteria used to calculate achievement profiles for
7 schools that participate in the board examination system prescribed in
8 chapter 7, article 6 of this title.

9 Sec. 4. Repeal

10 Section 15-241, Arizona Revised Statutes, as amended by Laws 2010,
11 chapter 247, section 1, is repealed.

12 Sec. 5. Effective date

13 Section 15-241, Arizona Revised Statutes, as amended by section 3 of
14 this act, is effective from and after August 31, 2011.

APPROVED BY THE GOVERNOR APRIL 12, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2011.

Passed the House February 8, 20 11

by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 6, 20 11

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmine Ballinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

7 day of April, 20 11

at 10:55 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

April

at 9:35 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 12th day of April, 20 11

at 4:01 o'clock P. M.

[Signature]
Secretary of State

H.B. 2234